IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

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**WRIT PETITION NO : 14754 of 2004**

Between:

Dr.G.Narayana Rao, S/o.Late G.Kanaka raju,
Associate Professor, Andhra University, R/o.Door No.8-15-5,
Netaji Street, China Waltair, Visakhapatnam Dist.

**..... PETITIONER**

AND

The Commissioner,

Visakhapatnam Municipal Corporation, Visakhapatnam.

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondent in demolishing the house bearing No.8-1505 situated in an extent of 140 sq.yards at plot No.1, T.S.No.675/2, block No.25, Netaji Street (Old CBI Road) Visakhapatnam as illegal, arbitrary, erroneous, violative of the provisions of Land Acquisition Act and the principles of natural justice and unconstitutional and consequently direct the Respondent not to demolish or interfere with the possession of the petitioner in connection with house bearing No.8-1505 situated in an extent of 140 sq.yards at plot No.1, T.S.No.675/2, Block No.25, Netaji Street (Old CBI Road, ) Visakhapatnam.

**For the Petitioner:MR.Y.V.RAVI PRASAD, Advocate**

**For the Respondent: MR.T.S.VENKATARAMANA, Standing Counsel for**

**Visakhapatnam Municipal Corporation.**

**The Court at the stage of admission made the following ORDER:**

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Corporation. Both the counsel agreed to dispose of the writ petition at the admission stage itself.

The petitioner, who claims to be the owner of house property to an extent of 140 sq.yards in plot No.1, T.S.No.675/2, Block No.25, Netaji Street (old CBI Road), Visakhapatnam, filed the present writ petition complaining that the officials of the respondent-Corporation prepared a master plan for widening the old CBI Road in the year 1991 and started the process of markings for demolition of his house including several houses of others. Without issuing any notice to them, the respondent-Corporation is proceeding with the widening of the road. Hence, the present writ petition.

This court in a catena of decisions categorically held that as and when the Municipal Corporation undertakes road widening work, necessary procedure as contemplated under the law has to be followed for acquiring land and shall obtain consent of the property owner. Then only, they can take possession of the property for widening of the road. Until such procedure is followed, the petitioner cannot be dispossessed or deprived of the property.

In view of the same, the respondent-Corporation is hereby directed not to dispossess the petitioner or demolish the house of the petitioner bearing No.8-1505, situated in an extent of 140 sq.yards at Plot No.1, T.S.NO.675/2, Visakhapatnam,

without following the due procedure as contemplated under the law.

The writ petition is accordingly disposed of. No costs.

19th AUGUST, 2004.

Note: copy by wire already dispatched.

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To

1. The Commissioner,

Visakhapatnam Municipal Corporation, Visakhapatnam.

2.Two CD copies.